



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,908	09/05/2003	Otto J. Volker	011361-00079	9097
28316	7590	12/01/2005	EXAMINER	
BANNER & WITCOFF LTD., COUNSEL FOR DURA AUTOMOTIVE 28 STATE STREET - 28TH FLOOR BOSTON, MA 02109			EDELL, JOSEPH F	
			ART UNIT	PAPER NUMBER
			3636	

DATE MAILED: 12/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,908

Applicant(s)

VOLKER ET AL

Examiner

Joseph F. Edell

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5 and 7-21 is/are allowed.
- 6) ☒ Claim(s) 6,22,27,28 and 31-33 is/are rejected.
- 7) ☒ Claim(s) 23-26,29 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 09/19/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 6, 22, 27, 28, 32 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Publication No. 2002/0096925 A1 to Uramichi.

Uramichi discloses a reclining vehicle seat hinge assembly that includes all the limitations recited in claims 6, 22, 27, 28, 32, and 33. Uramichi shows an assembly having a seat pan and a seat back pivotally connected to the seat pan (see paragraph 3), a hinge assembly connecting the seat back to the seat pan and including a first housing 11 (Fig. 2) secured to the seat pan, a second housing 12 (Fig. 2) secured to the seat back and pivotable with respect to the first housing, a shoulder (Fig. 2) of the second housing, a plurality of teeth 12c (Fig. 2) extending radially inward from the shoulder, a primary cam 16 (Fig. 2) rotatable with respect to the first housing and having a pair of primary camming surfaces 16b, 16c (Fig. 2), a secondary cam 18 (Fig. 2) rotatably driveable by the primary cam and having a plurality of camming surfaces 18d (Fig. 2) of first and second pairs of slots with camming edges, a pair of primary pawls 15 (Fig. 2) slidable radially with respect to the first housing upon engagement with a corresponding primary camming surface of the secondary cam and having a plurality of

Art Unit: 3636

radially outward extending teeth (Fig. 2) engageable with the teeth of the second housing, first and second cam engaging members of each primary pawl, a pair of secondary pawls 15 (Fig. 2) slidable radially with respect to the first housing upon engagement with a corresponding camming surface of the secondary cam (see paragraph 30) and having a plurality of radially outward extending teeth engageable with the teeth of the second housing, a first primary spring 21 (Fig. 2) operable to bias the primary cam into an engaged position, and a plurality of guide surfaces 11c (Fig. 2) of the first housing along which the primary and secondary pawls travel wherein the secondary pawls having a construction identical to that of the primary pawls, and the pair of secondary pawls are capable being driven radially outward with respect to the first housing when engaging a camming surface of the secondary cam.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uramichi in view of U.S. Patent No. 6,003,945 to Kojima.

Uramichi discloses a reclining vehicle seat hinge assembly that is basically the same as that recited in claim 31 except that cam locking member lacks a cooperating washer, as recited in the claim. See Figure 2 of Uramichi for the teaching that the

assembly has a cam locking member 17 to secure the first and second housings. Kojima shows a reclining vehicle seat hinge assembly similar to that of Uramichi wherein the assembly has a first housing 1 (Fig. 2), a second housing 2 (Fig. 2), a cam locking member 4,45 (Fig. 2), and a washer 42 (Fig. 2) cooperating with the cam locking member to secure the first and second housings together. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the assembly of Uramichi such that the assembly has a washer cooperating with the cam locking member to secure the first and second housing together, such as the assembly disclosed in Kojima. One would have been motivated to make such a modification in view of the suggestion in Kojima that the cooperating cam locking member and washer allows relative rotation of the first and second housings without coming off of the locking member.

Allowable Subject Matter

5. Claims 1-5 and 7-21 are allowed. Claims 23-26, 29, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 16 September 2005 have been fully considered but they are not persuasive. Applicant argues that Uramichi fails to teach a hinge assembly

wherein the secondary pawls have a construction identical to that of the primary pawl, as recited in claim 6. Specifically, Applicant refers to sections of the specification of Uramichi that set forth that pawl 15A has a construction different from pawls 15B-15D. However, Uramichi plainly states on page 2, paragraph 26 that "the slide pawls 15 (15A, 15B, 15C, 15D) are all identical in shape." While pawl 15A may have a different function and a cam pin that is longer than other pawls, the pawls 15A-15D themselves all have an identical construction.

The rejection under 35 USC 103(a) drawn toward claim 31 was argued solely on the premise that the cited art does not teach or suggest the identically constructed pawls recited in claim 16, and as a result the above 35 USC 103(a) rejection of claim 31 remains.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of


Art Unit: 3636

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JE
November 28, 2005


Peter M. Cuomo
Supervisory Patent Examiner
Technology Center 3600